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Attorneys for Defendant
EVA AIRWAYS CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARIETTA DELEON, an individual,	)	Case No.: 3:18-cv-05710-JST
Plaintiff,)	
v.	)	STIPULATION FOR PHYSICAL
EVA AIRWAYS CORP. d/b/a EVA AIR	)	EXAMINATION OF PLAINTIFF
and DOES 1-10, inclusive,	)	MARIETTA DELEON PURSUANT
Defendants.	)	TO RULE 35 OF THE FEDERAL
	)	RULE OF CIVIL PROCEDURE
	)	AND ORDER [PROPOSED]
	)	Date: August 28, 2019
	)	Time: 9:30 a.m.
	)	Place: 2100 Webster St, Suite 309,
	)	San Francisco, California
	)	94115

IT IS HEREBY STIPULATED by and between plaintiff Marietta Deleon and defendant EVA Airways Corporation (hereinafter "EVA"), through their attorneys of record, that a defense medical examination of plaintiff Marietta Deleon by Dr. Steven Richeimer shall take place at 9:30 a.m., on August 28, 2019, at the offices of Dr. Lesley Anderson at 2100 Webster Street, Suite 309, San Francisco, California 94115 (hereinafter "the facility"). Because plaintiff has alleged physical injuries (*see* Plaintiff's Complaint, ECF No. 1 at ¶¶ 16-20), good cause exists to conduct a defense medical examination of plaintiff. *See Ayat v. Societe Air France*, No. C 06-1574 JSW JL, 2007 WL 1120358, at *5 (N.D. Cal. Apr. 16, 2007).

1 The examination will consist of a general physical examination and may
2 include x-rays, CT scans, MRIs and/or other radiology. The examination shall
3 conclude within two (2) hours of plaintiff's arrival at the facility and up to two (2)
4 individuals may accompany plaintiff during the examination. The examination
5 may be recorded by audio means. Pursuant to the request of counsel for plaintiff,
6 Dr. Steven Richeimer's report concerning the examination will be provided to
7 counsel for plaintiff in the manner provided by Rule 35(b) of the Federal Rules of
8 Civil Procedure. Counsel for plaintiff shall provide to counsel for EVA all like
9 reports pursuant to Rule 35(b)(3) of the Federal Rules of Civil Procedure.

10 IT IS SO STIPULATED.


11 Dated: August 8, 2019

CLYDE & CO US LLP

12 By: 
13 KEVIN R. SUTHERLAND
14 BRANDON K. FRANKLIN
15 Attorneys for Defendant
EVA AIRWAYS CORPORATION

16 Dated: August 8, 2019

NELSON & FRAENKEL, LLP

17 By: 
18 NICOLE C. ANDERSEN
19 ATTORNEY FOR PLAINTIFF
20 MARIETTA DELEON
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ORDER ~~[PROPOSED]~~

Pursuant to Rule 35 of the Federal Rules of Civil Procedure and the stipulation of defendant EVA Airways Corporation (hereinafter "EVA") and plaintiff Marietta Deleon and good cause appearing therefor, IT IS HEREBY ORDERED that:

1. Plaintiff shall appear for a defense medical examination by Dr. Steven Richeimer at 9:30 a.m., on August 28, 2019, at the offices of Dr. Lesley Anderson at 2100 Webster Street, Suite 309, San Francisco, California 94115;
2. The examination will consist of a general physical examination and may include x-rays, CT scans, MRIs and/or other radiology;
3. The examination shall conclude within two (2) hours of plaintiff's arrival at the facility and up to two individuals may accompany plaintiff during the examination, which may be recorded by audio means; and
4. The parties shall exchange reports in the manner provided by Rule 35(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: August 13, 2019



HONORABLE JON S. TIGAR
JUDGE, UNITED STATES DISTRICT COURT